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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,222	04/02/2001	Marc Degrauwe	ICB0102	6707

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Joerg-Uwe Szipl
Griffin & Szipl, P. C.
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204-2320

EXAMINER

HAMILTON, KIMBERLY Y

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,222

Applicant(s)

DEGRAUWE ET AL.

Examiner

Kimberly Hamilton

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-2-2001.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings of Fig. 1 are objected to under 37 CFR 1.83(a) because they fail to show **amplifier** for reference number **8** as described in the specification on pg. 3, line 6. The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings of Fig. 3 are objected to because on pg. 4., line 7, the 'transponder **21**' and Fig. 3 has the reference number '1' for the transponder. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on pg. 2, line 3, the applicant failed to include commas that follow each sequence of operations within the sentence. The applicant discloses, "...**function of the application selected**

or activated or the operating mode selected or..." Appropriate correction is required.

4. Applicant is reminded of the proper language and format for an abstract of the disclosure, because the applicant includes the word "**means**" on lines 5-6 and 10-11.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

5. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the applicant utilizes the pronouns "**their**", "**its**", "**it**", and "**these**" on lines 5, 7, 8, and 11 respectively. Regarding claims 3 and 40, lines 20 and 23 respectively, the applicant uses "**its**", and regarding claim 6, line 33, the applicant uses the word "**these**". Thus, utilization of the pronouns can lead to confusion when one is trying to determine which term or limitation within a claim is being referred.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarbouriech (GB 2321746).

Regarding claims 1 and 2, Tarbouriech, who teaches a portable data carrier (read as transponder) operating system, expressively discloses the transponder as comprising an antenna (receiving coil 26) (pg. 3, line 33 and Fig. 3). The inductive coupling from the close proximity between the transponder and the reader device will produce voltage to power the circuitry within the transponder. The voltage induction comes from the input (or incoming signal). In addition, the transponder comprises a power source 11 that can have a connection to an external battery (pg. 2, lines 33-35). The transponder may include a microprocessor for data processing (pg. 5, lines 13-15). Tarbouriech also discloses the transponder as comparator 40 that compares the voltage from the input signal and compares the regulated voltage to the reference voltage (pg. 4, lines 15-17). In the event of the regulated voltage being greater than the reference voltage, the power is dissipated as a result of the excess voltage to prevent damage with the regulator 19 (pg. 4, lines 18-23). Tarbouriech also teaches a power level detection circuit 13 that is another comparing means, but the power level circuit 13 compares the level of power that is coupled to the transponder to the transaction power level that is required to execute a transaction (pg. 3, lines 14-17). In turn, the

communication distance may vary, for the power sufficiency determines the ability of a transaction between the transponder and reader to transpire.

Regarding claims 3 and 5, Tarbouriech teaches a transponder (portable data carrier) wherein the reference voltage varies; for example, the power level detection circuit 13 may have an option of voltage multiplexer that utilizes a plurality of reference voltages (pg. 4, line 33-pg. 5, line 1). The varying reference voltages are useful in the event of multiple transactions between the transponder and the reader. Henceforth, the required levels can be interpreted as security codes, for only the appropriate code (power level) will operate that transponder to reduce errors.

Regarding claims 4 and 6, Tarbouriech teaches a transponder wherein the reference voltage is fixed (pg. 4, lines 15-16). Tarbouriech explains that the regulated voltage at terminal 21 is compared to a reference voltage, thus indicating only one reference voltage (pg. 4, line 16). In addition, the magnitude of the voltage is proportional to the excess power that comes from the input signal (security signal); henceforth, providing a means to automatically control the gain for the transponder (pg. 4, lines 24-26).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Beigel (UAS 4333072) teaches an inductive identification device.
- Rossius et al. (US 5721552) teaches a transponder with an automatic gain control regulator.

- Grabow et al. (US 5537672) teaches a bi-directional transmission between transponder of a vehicle and the reader of a beacon unit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Hamilton whose telephone number is 703.305.8975. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Hamilton
Examiner
Art Unit 2635
29 March 2004

KYH

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

